

Checklist for drafting children and armed conflict provisions in ceasefire and peace agreements

Working Draft

This working draft provides recommendations to mediators and their teams, which can assist in incorporating inclusive and child protection-relevant language and provisions in various parts of peace agreements. The recommendations are offered in full recognition that peace agreements are context specific and that what is achievable and desirable will depend on circumstances.

Mediators and their teams should carefully consider how best to engage with parties to a conflict when encouraging them to include children and armed conflict (CAAC) provisions in agreement texts, including whether they should do so directly or through partners. Thought should also be given to ensuring that parties fully understand the commitments they are undertaking through the inclusion of the language below, and the practical implications of implementing these commitments.

Finally, it is important for mediators and their teams to inform parties to a conflict that the release of children can happen at any time, and does not need to wait until a peace agreement is finalized.

General - definitions and principles

- Include determinative rather than aspirational language in child-related clauses (e.g. “will”, “must”, “shall”, rather than “should”) to ensure specific action during the implementation phase, where possible.
- Explain technical, child-specific terminology included in the agreement in the definitions section of the Agreement (e.g. define, in accordance with international norms and standards, “child,” “child soldier,” “grave violations,” “attack on school/against education,” etc.).
- When referring to child for the first time, pair it with the definition “anyone under 18”.
- When referring to “children”, alternate with the use of “boys and girls” to put emphasis on gender consideration.
- Ensure proper knowledge of cultural, traditional, tribal or religious concepts, principles and institutions that may be relevant to children’s issues, including those that are gender-specific, or that may influence the common understanding of who a child may be.

Preamble

- Cite the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, and state the commitment of the parties

to their obligations under these legal instruments and binding effects under customary international law.

- Cite relevant national provisions on child rights and/or existing military directives prohibiting recruitment and use of anyone under 18.
- Include provisions for equal rights of men, women, boys and girls, where applicable.

Cessation of Hostilities and Ceasefires

- Consider the six grave violations (recruitment and use of children, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals, abduction, and denial of humanitarian access) as a violation of the ceasefire and include them as prohibited acts, including in the definition or principles of ceasefire and in security and monitoring provisions, where relevant.
- Ensure that monitoring arrangements include protection of children and children's specific needs, inter alia, the inclusion of a child protection representative in the committee or entity tasked with monitoring the implementation of the ceasefire or cessation of hostilities.
- Make provisions for the parties to identify and release children immediately and unconditionally from their ranks, disclosing the number, location, and identity of children within their troops to relevant monitoring bodies and civilian child protection actors.

Release and Reintegration of Children

- State that all parties to the armed conflict immediately and without preconditions release all children within their ranks, and identify child protection actors to be present throughout the screening process and for their swift and orderly handover.
- Include special provisions and resources for the release and reintegration of children formerly associated with armed forces or groups (combatants as well as non-combatants), including those born in captivity, and differentiate between the needs of boys and girls. Such needs may include - but are not limited to - health care, education, psycho-social support, and long-term reintegration programs.

Security Arrangements

- Prohibit the integration of children into the regular armed forces as part of integration programs for armed combatants.
- Include provisions to end and prevent conflict-related sexual violence against children by the army and all security forces.
- Where relevant, the section regulating the role and composition of armed forces should:

- Prohibit underage recruitment and use of children and set the minimum age for recruiting and enlisting persons to the armed and security forces at 18 years of age; and establish an age verification process for recruitment in the army and all security forces.
- Provide for child protection training for military and police, as well as inclusion of child protection in standard operating procedures and rules of engagement.
- Include a provision for standard operating procedures regulating the treatment and transfer of children detained for their association with armed forces or armed groups to child protection actors to facilitate their rehabilitation and reintegration.

Protection of Rights (Justice, Accountability, and Reconciliation)

- Recognize that crimes against children are a particularly grave violation, as children enjoy special status, rights, and protection needs as enshrined in international law.
- Establish that transitional justice and reconciliation mechanisms incorporate provisions that address grave violations against children, including, but not limited to, recruitment and use, attacks on schools and hospitals, and conflict-related sexual violence, and establish that amnesties for crimes under international law are prohibited, including crimes perpetrated against children.
- Include provisions to end impunity and prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children, and exclude perpetrators of grave violations of children's rights from joining armed and security forces.
- Reiterate that children formerly associated with armed groups or armed forces are victims first, and focus their treatment on effective rehabilitation and reintegration into society, including, where relevant, non-judicial measures as an alternative to criminal procedures when a crime may have been committed during the time of their association with the armed forces or groups.

Social Protection and Services

- Consider including measures to address specific post-conflict needs of children (e.g. access to free and quality basic education, vocational training, quality affordable medical and psycho-social services for child victims of grave violations, dedicated funds, etc.)
- Include provisions to promote birth and late-birth registration as a means to prevent recruitment and use of children.

Implementation Mechanisms (Monitoring, Dispute Resolution Mechanisms)

- Consider special funding for child protection and release and reintegration initiatives at the first donor meeting convened to raise funds for the implementation of the agreement.
- Identify children as beneficiaries for post-conflict programmes to ensure children formerly associated with armed forces or groups have access to funds and technical assistance.
- Include a provision calling for child protection expertise in all bodies charged with monitoring and/or implementation.

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